

MICHIGAN DEPARTMENT OF CORRECTIONS <b>POLICY DIRECTIVE</b>		EFFECTIVE DATE 11/21/2022	NUMBER 05.01.142
SUBJECT SPECIAL ALTERNATIVE INCARCERATION PROGRAM		SUPERSEDES 05.01.142 (06/18/2013)	
		AUTHORITY MCL 771.3b, 780.751 et seq., 791.234a, 791.236, 791.237, 791.238 et seq., 798.11 et seq., 800.33	
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## POLICY STATEMENT:

Offenders shall be reviewed for eligibility in the Special Alternative Incarceration Program (SAI) as set forth in this policy. Upon successful completion of SAI, prisoners shall be placed on parole and probationers shall be released to the jurisdiction of the sentencing court.

## POLICY:

### DEFINITIONS

- A. Qualified Mental Health Professional (QMHP): A Physician, Psychiatrist, Nurse Practitioner, Physician's Assistant, Psychologist, Social Worker, Licensed Professional Counselor, or Registered Nurse who meets the requirements set forth in MCL 330.1100b and is trained and experienced in the areas of mental illness or mental disabilities.

### GENERAL INFORMATION

- B. For purposes of this policy, "offender" means prisoners and probationers unless otherwise specified.
- C. SAI is a 90-day intensive program that focuses on empowering individuals to consistently make good life choices. SAI is designed to assist offenders in developing a sense of individual responsibility, self-discipline, and a positive work ethic through physically strenuous work, strict discipline, physical exercise, cognitive behavioral programs, structured programming, and workshops. SAI generally takes 90 calendar days to complete; however, it may be extended up to a total of 120 calendar days due to physical medical or mental health reasons as set forth in Paragraph CC or if the offender has not made adequate progress, as determined by the Warden or designee. An offender terminated from SAI due to physical medical or mental health reasons who returns to SAI during the same calendar year as the termination shall receive credit for the days in which they had participated in SAI. This credit also shall apply to an offender terminated due to a pending felony detainer or felony charge verified while in SAI that has since been cleared.
- D. After successful completion of SAI, an offender shall be paroled or placed on probation in the community, as appropriate. Residential placement in the community for a period not to exceed 120 calendar days shall be required if ordered by the Parole Board or the sentencing court.
- E. Only offenders who are eligible for placement in SAI and agree to placement shall be accepted. However, a determination of eligibility does not guarantee SAI placement.
- F. SAI requirements set forth in this policy directive shall control if in direct conflict with requirements set forth in another policy directive.

### ELIGIBILITY CRITERIA AND PLACEMENT

- G. Probationers convicted of a felony are eligible to be considered for placement in SAI if they meet all of the following requirements:
1. Serving first sentence of imprisonment in a state prison.
  2. No verified pending felony or immigration detainer or pending felony charge.
  3. Not previously placed in SAI unless terminated for physical medical or mental health reasons or due to a pending felony detainer or felony charge verified while in SAI that has since been cleared.

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4. Physically able to participate in SAI with or without reasonable accommodations.
5. No evidence of a behavioral health concern that would prevent participation in SAI.
6. Would likely have been sentenced to imprisonment in a state prison.
7. Not being sentenced for an offense listed in Attachment A or an attempt to commit one of those offenses.
8. The felony sentencing guidelines upper limit for the recommended minimum sentence for the offense is at least 12 months. This criterion does not apply if the offense is not covered by the felony sentencing guidelines or the probationer is being considered for placement in SAI due to probation violation.
9. Negative drug and alcohol tests during SAI prescreening process.
10. Age 18 or older.

H. Prisoners are eligible to be considered for placement in SAI if they meet all of the following requirements:

1. Serving first federal or state prison sentence.
2. No verified pending felony or immigration detainer or a pending felony charge.
3. Not previously placed in SAI unless terminated for physical medical or mental health reasons or due to a pending felony detainer or felony charge verified while in SAI that has since been cleared.
4. Physically able to participate in SAI with or without reasonable accommodations.
5. No evidence of a behavioral health concern that would prevent participation in SAI.
6. Serving an indeterminate sentence or sentences with a minimum sentence of 36 months or less, except that a prisoner serving for Breaking and Entering an Occupied Dwelling pursuant to MCL 750.110 or Breaking and Entering a Dwelling (Home Invasion) pursuant to MCL 750.110a is eligible only if the minimum sentence is 24 months or less.
7. Not serving a sentence for an offense identified in Attachment B or attempt, conspiracy, or solicitation to commit one of those offenses.
8. Do not screen very high assault risk according to the most recent Assaultive Risk Screening sheet (CSJ-353).
9. Do not have a true security level of IV or V.
10. No prior or current conviction involving assaultive sexual behavior.
11. Not serving a sentence for any offense involving a death, including Negligent Homicide (MCL 750.324).
12. If serving a sentence for a violation of MCL 333.7401 or 333.7403 of the Controlled Substances Act, must have served statutory minimum if there is a prior conviction for a violation of either MCL 333.7401 or 333.7403(2)(a), (b), or (e).
13. If serving a sentence under the felony firearm law (MCL 750.227b) followed by an indeterminate sentence, must have served the two-year felony firearm sentence and have a total minimum term of 36 months or less, including the felony firearm sentence.
14. Negative drug and alcohol tests during SAI prescreening process.
15. Age 18 or older.

I. Questionable cases shall be referred to the Warden for resolution. The Warden shall consult with the Correctional Facilities Administration (CFA) Deputy Director, as necessary, who may exclude any offender determined not

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suitable for SAI.

## SCREENING CASES

- J. As part of the pre-sentence investigation (PSI) and when updating a PSI report due to probation violation, Field Operations Administration (FOA) field agents shall screen offenders for possible placement in SAI, on OMNI if available, in accordance with PD 06.01.140 "Pre-Sentence Investigation and Report," using the eligibility criteria set forth in Paragraphs G and H. The FOA field agent shall indicate in the PSI report whether the offender is eligible to be considered for placement in SAI and, if eligible, recommend that the judge state on the Judgment of Sentence that placement in SAI is permitted or, for probationers, required as a condition of probation; if ineligible, the FOA field agent shall state in the PSI report or on OMNI the reasons for ineligibility.

### Probationers

- K. Whenever a court orders a probationer to participate in SAI, the FOA field agent shall confirm the starting date with the Warden or designee. SAI staff shall screen each probationer received, using the criteria set forth in Paragraph G to verify each probationer's eligibility.

### Prisoners

- L. SAI staff shall use the SAI Program Eligibility Screen (CAJ-253) and the criteria set forth in Paragraph H to identify newly received prisoners in a reception facility who are eligible to be considered for placement in SAI, unless the Judgment of Sentence indicates that participation is prohibited. This screening shall be completed prior to the prisoner transferring from the reception facility.
- M. SAI or other designated staff shall review the Special Alternative Incarceration Program Voluntary Agreement and Waiver (CAJ-263) with each prisoner determined to be eligible for consideration for placement in SAI. The form shall include information on the limitations placed on prisoner privileges, as identified in Paragraph V, that are required to be waived for placement in SAI. The form shall be signed by the prisoner if they understand and agree to the conditions outlined on the form for placement in SAI and voluntarily agrees to participate. The reviewing staff member also shall sign the form and distribute it as required.
- N. An eligible prisoner who agrees to placement in SAI shall be placed in SAI only if the sentencing judge or successor permits such placement. If the Judgment of Sentence is silent as to placement, the sentencing judge or successor shall be contacted in writing to determine if the court objects to the placement; appropriate follow-up shall be conducted to ensure a written response is received. After receipt of written notification from the sentencing judge or successor that there is no objection to SAI placement, SAI staff shall arrange for the prisoner's transfer.
- O. Whenever a judge is being contacted pursuant to Paragraph N, the Warden shall ensure that the Crime Victim Services Section, Office of the Parole Board, is notified of the prisoner's proposed SAI placement date. In such cases, the Manager of the Crime Victim Services Section shall ensure that the prosecutor of the county from which the prisoner was sentenced and all victims of the crime who have submitted a request for notification under the William Van Regenmorter Crime Victim's Rights Act are notified of the proposed placement. The notice shall be sent at least 30 calendar days prior to the proposed placement date; the prisoner shall not be transferred to SAI prior to that date.
- P. The Crime Victim Services Section shall provide victim notification of a prisoner's transfer to SAI in accordance with PD 01.06.120 "Victim Notification."

## REQUIRED DOCUMENTATION FOR PROBATIONERS

- Q. Each probationer received for placement in SAI shall be accompanied by the following documents:
1. One copy of the probation order specifying placement in SAI.
  2. One copy of the completed Offender Health Questionnaire (CFJ-129).
- R. A probationer received without the required documentation shall be accepted if adequate documentation is received to confirm eligibility for SAI and that the court has ordered SAI participation. SAI staff shall contact local probation

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staff to ensure that the appropriate documentation is provided.

- S. The appropriate field agent shall ensure that a certified copy of the Judgment of Sentence and the Sentencing Information Report are sent to the SAI Deputy Warden or designee within five business days after the probationer's arrival. SAI staff shall obtain a copy of the PSI report through the Department's computerized database.

#### DNA COLLECTION

- T. Upon receipt of approval for placement in SAI, the Warden of the sending facility shall confirm the prisoner has provided a valid DNA sample. If for any reason a valid sample was not collected, it shall be collected prior to transfer. In such cases, a DNA Sample - Collection Record (CHJ-269) shall be completed documenting the prisoner's compliance with or refusal to provide the sample. If a prisoner refuses to allow designated staff to collect the sample, the Warden shall ensure custody staff are available to assist in collecting the sample. Only reasonable force consistent with the requirements set forth in PD 04.05.110 "Use of Force" shall be used to collect the sample. If force is used to obtain the sample, the Warden of the sending facility or designee shall notify the SAI facility Warden or designee immediately. In such cases, the prisoner shall not be transferred to the SAI facility.
- U. For each probationer received for placement in SAI, the Warden shall ensure that a valid DNA sample has been collected. If for any reason a valid sample has not been collected, the sample shall be collected by health care staff within 14 calendar days of intake. A DNA Sample - Collection Record (CHJ-269) shall be completed documenting a probationer's compliance with or refusal to provide the sample. If the probationer refuses to allow designated staff to collect the sample, the Deputy Warden shall ensure custody staff are available to assist in collecting the sample. Only reasonable force consistent with the requirements set forth in PD 04.05.110 "Use of Force" shall be used to collect the sample.

#### PRIVILEGES

- V. The following privileges are not afforded offenders in SAI:
1. Access to general and law library.
  2. Visits, except during family emergencies or for programming as approved by the Deputy Warden. Clergy, attorneys, and staff from the Office of the Legislative Corrections Ombudsman shall also be allowed to visit.
  3. Personal property, except for personal hygiene items issued by SAI, one plain ring or wedding band set, underwear including socks, and medically necessary items (e.g., prescription medication, durable medical equipment and supplies, eyeglasses). Three photographs of family members, religious reading material, and personal and legal correspondence also are allowed provided they meet the requirements set forth in PD 05.03.118 "Prisoner Mail."
  4. Mailing or receiving any packages except for receiving one package of dress-out clothing within the two weeks prior to completion of SAI and receiving packages containing medically necessary items. Packages containing prescription medication are prohibited.
  5. Correspondence with other incarcerated persons.
  6. Telephone privileges, except for communicating with an attorney or with staff of the Office of the Legislative Corrections Ombudsman upon request of that Office. However, one 10 minute collect personal call per week may be permitted after six weeks, as determined by the Warden or designee. Emergency telephone privileges shall be allowed for serious family emergencies or programming if determined necessary by the Warden or designee.
  7. Having beards, mustaches, goatees, or sideburns below the ear. Males shall be given a full haircut (i.e., head shaved with barber clippers) upon arrival and an appropriate haircut as determined by the Warden or designee every two weeks thereafter. Females shall be required to wear their hair in compliance with standards established by the Warden or designee; a full haircut shall not be required.
  8. Funds received from any source, including wages from prior work assignments, except that each offender shall be credited with a weekly amount for use in the commissary as set by the Warden or designee. Balances shall not be carried forward.

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- W. Prior to transfer for placement in SAI, incarcerated offenders must dispose of property prohibited in SAI or mail it home at the offender's expense. Pursuant to PD 04.02.105 "Prisoner Funds," prisoners' institutional accounts shall remain with the sending facility until the prisoner has completed or been terminated from SAI. Personal hygiene items shall be issued to offenders upon arrival at SAI and shall be available from the commissary thereafter. All allowable personal property shall be stored in the offender's footlocker in the designated areas. No more than the equivalent of ten first-class metered envelopes shall be allowed in an offender's possession at any time.
- X. SAI staff shall review all SAI rules and regulations with each offender during the SAI orientation process.

#### INTAKE ASSESSMENT

- Y. A validated risk and needs assessment (e.g., COMPAS) shall be completed for each offender placed in SAI unless a similar assessment was completed within the preceding 18 months and there has been no change in circumstances warranting a new assessment. A Case Plan shall be developed or updated for the offender, as appropriate, to address the identified risk and needs, including identifying required programming to be provided the offender while in SAI.

#### IN-REACH SERVICES

- Z. In-reach services shall be provided to both probationers and prisoners while in SAI consistent with the requirements set forth in PD 03.02.101 "In-Reach Services."

#### PHYSICAL MEDICAL/MENTAL HEALTH CARE

- AA. Prisoners in SAI shall be provided access to health care services in accordance with PD 03.04.100 "Health Services." The Bureau of Health Care Services (BHCS), Operations Support Administration, shall ensure routine outpatient care is provided for probationers in SAI. Probationers in need of inpatient care or with chronic or severe health problems shall be referred to the Chief Medical Officer to determine whether termination from SAI is appropriate. The CFA Deputy Director and/or designees and the Chief Medical Officer, BHCS, shall address issues involving the general health and welfare of SAI offenders as necessary. This shall include reviewing SAI procedures involving physical and behavioral health assessments, and physical training, along with consultation with the ADA Coordinator on accommodations as needed.
- BB. An offender who is believed to be at risk for suicidal or self-injurious behavior, as defined in PD 04.06.115 "Suicidal and Self-Injurious Behavior," shall be immediately referred to a qualified mental health professional (QMHP). A prisoner shall remain on one-on-one direct observation in an area of the facility designated by the Deputy Warden until a face-to-face evaluation is completed by a QMHP or the prisoner is transferred to another CFA facility for the evaluation to be conducted. A probationer shall similarly remain on one-on-one direct observation until the evaluation is completed or the probationer is transferred to the jail for the sentencing county. The evaluation, or jail transfer, shall be completed as soon as possible but no later than 24 hours after the referral. If it is determined by the QMHP that an offender needs mental health treatment, a mental health management plan shall be developed and implemented pending the offender's removal from SAI. A prisoner in need of mental health treatment shall be transferred to a facility where mental health treatment can be obtained as soon as possible. In the case of a probationer, the probationer shall be terminated from SAI and returned to the custody of authorities from the sentencing court for appropriate follow-up and care as soon as possible. Generally, this shall be done no later than 48 hours after the determination is made.
- CC. If an offender misses more than five calendar days of program participation for physical medical or mental health reasons, including appropriate medical clearance, the period of placement in SAI shall be increased by the number of days missed up to a maximum of 20 calendar days. However, the total number of days an offender may be in SAI, including days missed due to physical medical or mental health reasons, shall not exceed 120 calendar days. An offender who is unable to participate in SAI for more than 25 calendar days shall be terminated from SAI.

#### DISCIPLINARY PROCESS

- DD. Offenders in SAI shall be subject to a progressive disciplinary system developed by the Warden and approved by the CFA Deputy Director or designee. For prisoners, the disciplinary process set forth in PD 03.03.105 "Prisoner Discipline" is required to be used to determine whether the rules of behavior established for SAI have been violated only when other disciplinary measures have been exhausted, the prisoner's behavior may result in termination from

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SAI, or constitutes a Class I misconduct as identified in PD 03.03.105, and as otherwise required under the progressive disciplinary system.

#### TERMINATION FROM THE PROGRAM

- EE. Offenders who are voluntarily or involuntarily terminated from SAI shall be reclassified to an appropriate CFA facility or, for probationers, returned to the jurisdiction of the sentencing court. Staff shall ensure that offenders who voluntarily terminate participation either read or have read to them the SAI Voluntary Termination form (CAJ-264) or Probationer Voluntary Termination form (CFJ-308), as appropriate, and that they understand the consequences of voluntarily terminating their participation before signing the form.
- FF. If the prisoner was terminated from SAI due to a finding of guilt on a Class I misconduct, the Warden shall determine whether earned good time or disciplinary credits shall be forfeited in accordance with PD 03.01.100 "Good Time Credits" and PD 03.01.101 "Disciplinary Credits." Any forfeiture shall be done as soon as possible.
- GG. The Crime Victim Services Section shall provide victim notification in accordance with PD 01.06.120 "Victim Notification" whenever a prisoner is terminated from SAI and is therefore no longer eligible for an SAI parole.

#### GRIEVANCE PROCESS

- HH. SAI staff shall discuss specific problems and complaints with probationers. If the problem cannot be resolved, the probationer may contact the sentencing court. Prisoners shall follow PD 03.02.130 "Prisoner/Parolee Grievances" to resolve grievances.

#### SEARCHES

- II. Prisoners and their possessions, living area, and work area are subject to search at any time, as set forth in PD 04.04.110 "Search and Arrest in Correctional Facilities." Probationers are subject to search in the same manner as prisoners.

#### USE OF FORCE

- JJ. SAI staff may use force against an offender in compliance with PD 04.05.110 "Use of Force." Staff may give orders in a loud voice ("command mode") and demand immediate response and compliance.

#### SUBSTANCE USE TESTING

- KK. Offenders are subject to substance abuse testing as directed by staff in accordance with PD 03.03.115 "Substance Use Programming and Testing." A prisoner who refuses to be tested or tests positive for substance use shall be charged with misconduct for substance use. Probationers who refuse to be tested or test positive shall be subject to discipline in accordance with Paragraph DD.

#### PAROLE PROCESS FOR PRISONERS

- LL. Institutional Parole Agents (IPA) shall interview each prisoner at an interval determined by the IPA Supervisor to determine the prisoner's proposed parole plans. This shall be documented on the prisoner's Case Plan and on the Parole Placement form (CFJ-457). At a minimum, the following information shall be provided:
  1. The prisoner's plan for living arrangements including the address, telephone number, and complete names of each person residing at the residences of the prisoner's first two proposed placements in the community.
  2. Potential employment.
  3. Any need for additional training and educational services.
  4. A substance use assessment, including the need for any substance use treatment services in the community.
  5. The anticipated date of completion of SAI.

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6. Whether residential placement is available in the geographic area of the prisoner's proposed planned placement.
- MM. The completed report and any recommendations for special conditions of parole shall be sent to the Parole Release Unit in the Office of the Parole Board, Field Operations Administration, for processing. The Parole Release Unit shall ensure that a pre-parole investigation is conducted by a Field Agent consistent with the requirements set forth in PD 06.05.104 "Parole Process." The Field Agent may recommend additional special conditions of parole, including residential placement. The Field Agent also shall recommend whether a parole loan is required as set forth in PD 06.02.120 "Parole Loans."
- NN. Prior to the issuance of the Parole Board Order for Parole (CAX-119), the Parole Release Unit shall verify through the Department's computerized database that the prisoner does not have any documented detainers or pending felony charges. If a detainer or pending felony charge is found, the Parole Release Unit shall refer the case to the SAI Record Office Supervisor. The SAI Record Office Supervisor or designee shall contact the issuing agency to confirm the current status of the detainer or felony charge. If not cleared, the prisoner shall be terminated from SAI.
- OO. Upon successful completion of SAI, the Warden shall ensure the following:
1. The offender has provided a valid DNA sample. If for any reason a valid DNA sample has not been provided, the sample shall be collected as set forth in Paragraphs T and U of this policy.
  2. Arrangements are made for transportation of the prisoner.
  3. Dress out clothing is provided as required by PD 04.07.110 "State-Issued Items and Cell/Room Furnishings."
  4. Any parole loan issued is processed as set forth in PD 06.02.120 "Parole Loans."
  5. The prisoner has read or has had read to them the Prisoner Pre-Release Notice (CSJ-290) and that it has been signed by the prisoner and witnessed by staff.
  6. Verification is obtained through the Department's computerized database and LEIN within 24 hours prior to parole release that the prisoner does not have a personal protection order, pending charge, or detainer. If a personal protection order is found, the Warden or designee shall consult with the CFA Deputy Director or designee to determine appropriate action to be taken. If a detainer or pending felony charge is found and not cleared, the prisoner shall be terminated from SAI and reclassified to an appropriate facility. The prisoner also may be terminated from SAI and reclassified for a verified pending misdemeanor charge that is not cleared, with approval of the Warden or designee.
- PP. Prisoners who have successfully completed SAI shall be placed on parole for not less than 18 months or the balance of the minimum sentence, whichever is greater. However, the parole period shall not extend beyond the prisoner's maximum release date, less applicable credits. The Parole Release Section shall ensure that the prisoner's Parole Board Order for Parole (CAX-119) is processed and sent to SAI in a timely manner.
- QQ. The Parole Board Order for Parole shall indicate whether residential placement is required prior to release on parole in the community. Prisoners on parole in the community shall be supervised in accordance with Department policy and standards issued by the FOA Deputy Director. The prisoner may be placed on electronic monitoring while on parole in accordance with PD 06.03.105 "Electronic Monitoring of Offenders." Parole may be revoked for a violation of parole as set forth in PD 06.06.100 "Parole Violation Process." If parole is revoked before expiration of the minimum sentence less applicable credits, the Parole Board shall order forfeiture of at least all credits accumulated during SAI participation. A prisoner whose parole is revoked shall not be eligible for re-parole until the minimum sentence less applicable credits has been served.

#### RELEASE OF PROBATIONERS

- RR. Probationers shall be placed on probation in the community in accordance with the applicable order of probation.

#### REQUIRED REPORTS

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- SS. At least five calendar days before the probationer's expected release date, the Warden shall ensure that a report documenting each probationer's progress in SAI and, if appropriate, a recommendation for residential placement is submitted to the appropriate court and field staff 30 calendar days after placement in SAI. At least ten calendar days before the prisoner's expected release date, the Deputy Warden shall certify to the Parole Board whether the prisoner successfully completed SAI. The SAI Deputy Warden shall ensure the sentencing court is notified whether the probationer successfully completed SAI.
- TT. The Warden shall ensure reports on the impact of the operation of SAI that are required by MCL 791.234a and the Annual Appropriations Act are prepared and forwarded in a timely manner through the appropriate chain of command to the Bureau of Fiscal Management, Operations Support Administration, for submission to required agencies and communities.

#### PROCEDURES

- UU. If necessary, to implement the requirements set forth in this policy directive, Wardens shall ensure that procedures are developed or updated.

#### AUDIT ELEMENTS

- VV. A Primary Audit Elements List has been developed and is available on the Department's Document Access System (DAS) to assist with self-audit of this policy pursuant to PD 01.05.100 "Self-Audits and Performance Audits."

#### ATTACHMENTS

- WW. This policy includes the following attachments:
1. Attachment A - Ineligible Offenses for Probationers
  2. Attachment B - Ineligible Offenses for Prisoners

APPROVED: HEW 11/16/2022